

### Remarks

The present invention relates to a device for finishing the tops of concrete posts, piers and columns such that they are not chipped or otherwise deformed. The device includes a paper tubular concrete form and an annular first element with a flange and a depending member. The flange abuts the top edge and the depending member extends into the inside of the paper tubular concrete form. The depending member forms a transitional surface between the inside of the paper tubular concrete form and the first annular element.

When a concrete post, pier or column is cast in the device, it is finished with a smooth imprint of the depending member with its transitional surface. Traditionally, concrete posts, piers or columns are simply cast in an open end of a paper tubular concrete form. Since the forms are provided in standard lengths, they are cut to length on the job site. Frequently the cut end is uneven which leads to an uneven, chipped top on the cast product. The posts, piers or columns in even very expensive homes are frequently marred in the above-mentioned respect. The present invention provides a solution.

### Section 112 Rejections

Applicant has addressed the rejections under Section 112, second paragraph by amendment. While it was believed clear that the paper tubular concrete form was an element of the original claims, applicant has rephrased the claims to remove any uncertainty. The antecedent problem in claim 9 as to "the drive axle" has been remedied by changing the dependency of the claim

from claim 7 to claim 8. Also in claim 9, applicant has deleted the language "may be" and has inserted the structural requirement that the drive axle be adapted for attachment to a source of rotary motion such as a drill or the like. It is believed that these changes remove any section 112, second paragraph issues.

#### Section 102/103 Rejections

Applicant's claims 1-6 and 13 were rejected as being anticipated by a structure shown in U.S. patent No. 6,457,901 to Sondrup and claims 1-7 and 12-18 were rejected as being anticipated by U.S. patent No. 4,197,031 to Hild. Both the Sondrup and Hild patents relate to manhole covers adapted for use on a vertical shaft for sewer workers to climb down into.

In Sondrup, supporting ground material (i.e., asphalt or concrete) 15 is cast around manhole assembly 10, which matches the slope of lid 12 to the slope of the street. Applicant's claims read on a device wherein a first element 28 is inserted into the top of a paper tubular concrete form. Concrete is cast inside the tube and under the first element.

There is no motivation to adapt Sondrup's construction to use in the manner that first element 28 and paper tubular concrete tube are used in applicant's device. To cast concrete in the vertical shaft would utterly destroy the purpose of the manhole. Nor is Sondrup's construction useful for applicant's purpose without modification. A paper tubular concrete form would need to be substituted for the manhole. Paperboard manholes would not be durable. The materials selected for manhole assembly 10

would also need to be changed as cast iron is likely too heavy for use on a paperboard form as first and second elements, 28, 44.

Hild describes a manhole cover assembly wherein concrete or other filler material 34 is cast around the outside of support member 30 into which vertically adjustable annular member 31 is seated. Like Sondrup, there is no motivation to cast concrete inside the assembly, nor is Hild adaptable to applicant's purpose without modification.

Applicant's claims 8-11 and 19-20 were rejected as obvious over Hild in view of U.S. patent No. 1,869,880 to Binns or U.S. patent No 5,431,510 to Reinert, Sr. Both of these patents show lifting rings attached to a plate. In applicant's claims, second element is movable or rotatable with respect to annular first element, more particularly by means of a drive axle.


In Binns, concrete is cast into a hollow open bottomed box 1 formed of cast iron. A key chamber 5 is provided in the top of the box for receipt of a key by means of which the tile can be lifted after the concrete has set. The inside of box 1 has a ribs and is sprayed with water so that the concrete sticks to the cast iron box (page 2, lines 84-88). Whereas in applicant's invention, the concrete post, pier or column parts from the paper tubular concrete form and from first and second elements 28 and 44. Drive axle is used to rotate second element in first element to smooth the top of the post, pier or column before the concrete is set. In Binns, lifting key 8 is used after the concrete sets to lift the concrete filled, cast iron box. How this could be combined

with the manhole assembly teachings of Sondrup or Hild as stepping stones to applicant's invention is not clear. In neither Sondrup or Hild is the manhole shaft filled with concrete.

The Reinert, Sr. patent discloses a plate 1 with an eyebolt 7 attached for use on an embedded airport runway light. After a layer of asphalt is applied over plate 1, eyebolt 7 allows a user to identify the center of plate 1. A circular core of asphalt is cut out of the runway centered on eyebolt 7 and the core lifted away with eyebolt 7. After that, the light can be built up such that it is level with the runway. In applicant's construction, the concrete is cast in the device, not on top of the device. In addition, there is no motivation to combine Reinert, Sr. with either Sondrup or Hild because manhole covers are not covered over with asphalt when a street repair is made. The asphalt is dug out around the manhole cover so that the repair does not raise the level of the street with respect to the manhole.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance. Reconsideration of the application and allowance of the claims are respectfully requested.

Respectfully submitted,

  
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